

City Council Introduction: **Monday**, March 11, 2002  
Public Hearing: **Monday**, March 18, 2002, at **1:30 p.m.**

Bill No. 02R-37

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 692L**, an amendment to the **TABITHA NEW COMMUNITY COMMUNITY UNIT PLAN**, requested by Brian D. Carstens and Associates on behalf of Southview, Inc., for 36 units of elderly or retirement housing within the community unit plan, with associated waiver requests, on property generally located east of Enterprise Drive, north of Folkways Blvd.

**STAFF RECOMMENDATION:** Conditional approval.

**ASSOCIATED REQUESTS:** Preliminary Plat No. 01016 (02R-38)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 01/09/02 and 01/23/02  
Administrative Action: 01/23/02

**RECOMMENDATION:** Conditional approval (7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent).

### **FINDINGS OF FACT:**

1. This amendment to the Tabitha New Community CUP and the associated preliminary plat were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-6, concluding that the proposal for elderly housing will provide housing for a population with special needs.
3. The applicant's testimony is found on p.8-9 and 10-11.
4. The representative of the Autumn Wood Homeowners Association testified in opposition at the original public hearing on January 9, 2002, with concerns about the proposed fence and the waiver of sidewalks. The record also consists of a letter in opposition to the waiver requests (p.27). This prompted a motion by the Commission to defer and hold continued public hearing on January 23, 2002, to provide the applicant an opportunity to further work with the neighborhood. (The fence and sidewalks issues are related to the preliminary plat, 01R-38).
5. At the continued public hearing on January 23, 2002, the representative of the Autumn Wood Homeowners Association testified in support, indicating that they had reached agreement with the applicant. (See Minutes, p.11).
6. On January 23, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated December 19, 2001. The conditions of approval are found on p.6-7.
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan is attached (p.14-15).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 4, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 4, 2002

**REFERENCE NUMBER:** FS\CC\2002\FSSP692L

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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Optional: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**P.A.S.:** Preliminary Plat #01016  
Special Permit #692L

**DATE:** December 19, 2001

**\*\*As Revised by Planning Commission, 01/23/02\*\***

**PROPOSAL:** To develop 36 units of single- and two-family elderly or retirement housing within the Tabitha New Community C.U.P.

**WAIVER REQUESTS:** Turn around radius  
Allowing sanitary sewer and water main on the same side of Enterprise Drive  
Sidewalks on one side of all private roadways  
Side yard setbacks from 10 feet to 5 feet on all lots  
Front yard setbacks on several lots  
Rear yard setbacks on many lots  
(for a complete list, see attachments)

**LAND AREA:** 61.96 acres (entire C.U.P.)  
4.32 acres (this amendment)

**CONCLUSION:** The proposed preliminary plat, special permit for elderly housing and community unit plan will provide housing for a population with special needs.

The request to waive sidewalks on one side of the private roadways is not appropriate; sidewalks will promote pedestrian circulation and provide access to the Tabitha recreation facilities.

|                        |   |
|------------------------|---|
| <b>RECOMMENDATION:</b> | <b>Preliminary Plat:</b> Conditional Approval<br><b>Special Permit:</b> Conditional Approval<br><b>Request to waive sidewalks:</b> Denial |
|------------------------|---|

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 1-8, Block 8; Lots 17-27, Block 9; Lot 1, Block 10; Lot 1, Block 11; Outlots A, C, and D; and a portion of the remaining portion of Outlot A; all in Tabitha New Community Addition; and a portion of vacated Farmstead Rd.; located in the NE 1/4 of Section 1, T10N, R6E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

**LOCATION:** East of Enterprise Drive, north of Folkways Blvd.

**APPLICANT:** Southview, Inc.  
3355 Orwell St.  
Lincoln, NE 68516

**CONTACT:** Brian D. Carstens & Associates  
601 Old Cheney Road - Suite C  
Lincoln, NE 68516  
434-2424

**EXISTING ZONING:** R-3 under the Tabitha New Community C.U.P.

**EXISTING LAND USE:** Vacant

**SURROUNDING LAND USE AND ZONING:**

|        |     |   |
|--------|-----|---|
| North: | R-4 | single family housing within the Tabitha C.U.P.             |
| South: | R-2 | two-family housing and townhouses within the Tabitha C.U.P. |
| East:  | B-2 | developing commercial across N. 27 <sup>th</sup> Street     |
| West:  | R-2 | townhouses within the Tabitha C.U.P.                        |

**HISTORY:**

|                      |   |
|----------------------|---|
| <b>July 16, 2001</b> | City Council approved Special Permit #692-K, which converted 28 apartment units into 28 domiciliary care units within existing apartment buildings, modified existing apartment buildings to meet ADA standards, and added a covered walkway between apartment buildings. |
| <b>July 10, 1995</b> | City Council approved Special Permit #692-J, which amended the Tabitha New Community C.U.P. to permit the storage of recreation vehicles on property located at N. 27 <sup>th</sup> Street and vacated Farmstead Road.  |
| <b>Aug. 15, 1994</b> | City Council approved Special Permit #692-I, which amended the Tabitha New Community C.U.P. to authorize the construction of two single-family dwellings between Enterprise Drive and Farmstead Road.   |
| <b>Aug. 23, 1993</b> | City Council approved Special permit #692-H, which amended the voided Resolution No. A-60889 to allow patios, decks, and non-heated/plumbed enclosed porches to be located within an outlot within the community unit plan.   |
| <b>June 5, 1989</b>  | City Council approved Special Permit #692-G, which amended the Tabitha New Community C.U.P. by permitting open decks in rear yards on Lots 5, 6, 7, and 8, Block 1, Tabitha New Community 2 <sup>nd</sup> Addition.   |

|                       |  |
|-----------------------|--|
| <b>Jan. 21, 1986</b>  | City Council approved Change of Zone #2223, which changed the zoning from B-1 to R-2 in a small portion of the Tabitha development.  |
| <b>June 11, 1984</b>  | City Council approved Special Permit #692-F, which amended the Tabitha New Community C.U.P. to create 10 duplex attached units on property west of Enterprise Drive and north of Folkways Boulevard.<br><br>This property was converted from A-2 Single Family Dwelling, B Two Family Dwelling and G Local Business to R-2 Residential, R-3 Residential, R-4 Residential, and B-1 Local Business District in the <b>1979 Zoning Update</b> . |
| <b>Feb. 12, 1979</b>  | City Council approved Special Permit #692-E, which amended the Tabitha New Community C.U.P. to create lots for individual garage stalls on Blocks 1 and 9 of Tabitha New Community Addition.   |
| <b>July 25, 1977</b>  | City Council approved Special Permit #692-D, which amended the Tabitha New Community C.U.P. to allow the construction of single family lots on Ventura Drive and Cloudburst Lane. This resolution rescinded Special Permits 692-A, 692-B, and 692-C. It also rescinded the already-voided Resolution No. A-60889 for Special Permit 692.   |
| <b>April 11, 1977</b> | City Council approved Special Permit #692-C, which amended the Tabitha New Community C.U.P. by adding 11 single family lots and 100 multiple family dwelling units.  |
| <b>Aug. 25, 1975</b>  | City Council approved Special Permit #692-B, which added 88 units of multiple family dwellings to the community unit plan.   |
| <b>March 24, 1975</b> | City Council approved Special Permit #692 (Resolution No. A-61683), which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27 <sup>th</sup> Street and Fletcher Avenue. This resolution replaced the April 22, 1974 resolution.  |
| <b>March 17, 1975</b> | City Council approved Special Permit #692-A, which added Tabitha New Community First addition to the community unit plan.  |
| <b>April 22, 1974</b> | City Council approved Special Permit #692, which granted Tabitha Village Corporation the authority to construct and operate a community unit plan at N. 27 <sup>th</sup> Street and Fletcher Avenue. This Resolution No. A-60889 was rendered null and void by the applicant's failure to return the required Letter of Acceptance.  |
| <b>April 15, 1974</b> | City Council approved Change of Zone #1357, which changed the zoning on a small parcel of land within the future Tabitha development from A-2 Single Family to G Local Business.   |

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Map identifies the area as Urban Residential.

On page 44, the Comprehensive Plan identifies the following as a goal for Urban Residential areas:

*Encourage the development of housing that is appropriate to the requirements of households with special needs, including but not limited to, the elderly, the physically and/or mentally challenged, and households in crisis.*

**UTILITIES:** Available

**TOPOGRAPHY:** Sloping from north to south.

**TRAFFIC ANALYSIS:** N. 27<sup>th</sup> Street is a principal arterial in the future functional street and road classification.

**PUBLIC SERVICE:** The closest fire station is Number 10, at N. 14<sup>th</sup> Street and Adams Street.

**REGIONAL ISSUES:** The availability of elderly housing.

**AESTHETIC CONSIDERATIONS:** The rest of Tabitha features clusters of housing among open areas. This proposal is more densely clustered and contains no common open areas.

**ALTERNATIVE USES:** Provide more open space while maintaining the same number of units. Block 2 could be arranged so that the six housing units share a common interior yard, for example.

**ANALYSIS:**

1. The area of this portion of the Tabitha C.U.P. would permit 20 dwelling units if its density were calculated separately. The proposed 26 units do not exceed cluster density maximums.
2. The houses in Blocks 2 and 3 are tightly grouped. This arrangement, which results in minuscule yards, would not normally be acceptable. For elderly or retirement housing, reduced yards can be appropriate. In this case, none of the houses should be more than one story tall.
3. Sidewalks are required by the Subdivision Ordinance, and this development is not of such an unusual size, shape, or character that waiving them is necessary. If this development is to take advantage of the Tabitha recreation facilities, it must have good pedestrian linkages to those facilities.
4. The applicant has not requested a reduction in lot area requirements; however, the special permit for elderly housing states “the minimum lot area of the district... shall not apply.” (§27.63.210(b) L.M.C.)
5. On some lots, buildings could potentially fill most of the open space shown on the plan. The drawings should identify a building envelope in addition to the yards.

6. Opaque fences should be prohibited in Blocks 2 and 3. If the relatively small amount of open space were partitioned by fences, some of the rear yards would become uninhabitable.

**SPECIAL PERMIT CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 Provide density calculations on the site plan.
    - 1.1.2 A sidewalk connection from Blaine Court to N. 26<sup>th</sup> Place.
    - 1.1.3 Add a note to the site plan indicating that no structure on Block 2 or 3 shall be more than one story in height.
    - 1.1.4 Add a note to the site plan indicating that decks and patios shall not be enclosed or covered if they are within front, rear or side yard setbacks.
    - 1.1.5 Provide a lot area table.
    - 1.1.6 Dimension the setback on the northwest corner of Lot 12, Block 3.
    - 1.1.7 Add a note indicating that opaque fences are prohibited in Blocks 2 and 3.
    - 1.1.8 Dimension building envelopes rather than setbacks.
2. This approval permits 36 units of elderly or retirement housing within the Tabitha New Community C.U.P., provided that the City Council permits the following modifications:
  - 2.1 Setback reductions as indicated on the attached waivers list.
  - 2.2 Lot area as shown on the site plan.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.

3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
  - 4.6 Final plats shall be approved by the City.
5. This resolution voids and supercedes special permit #692J, which permitted the storage of recreational vehicles on Lot 1, Block 11 of Tabitha New Community and vacated Farmstead Road.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits (Special Permit Numbers 692D, 692E, 692F, 692G, 692H, 692I, and 692K) remain in force unless specifically amended by this resolution.

Prepared by:

Jason Reynolds  
Planner

**SPECIAL PERMIT NO. 692L,  
TABITHA NEW COMMUNITY COMMUNITY UNIT PLAN  
and  
PRELIMINARY PLAT NO. 01016,  
TABITHA NEW COMMUNITY 3<sup>RD</sup> ADDITION,**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 9, 2002

Members present: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn.

Staff recommendation: Conditional approval, except denial of the sidewalk waiver.

Jason Reynolds of Planning staff submitted a letter in opposition to the waiver of turn around radius, sidewalks and setbacks from Darryl Kile.

Proponents

**1. DaNay Kalkowski** appeared on behalf of **Southview, Inc.**, the developer. This proposal involves a preliminary plat and an amendment to the existing community unit plan for an area of about 4.3 acres. This area today is primarily undeveloped and located within the boundaries of the community unit plan which provides for elderly and retirement housing. This proposal adds 36 units of elderly and retirement housing. The developer has been involved with the Autumn Wood Homeowners Association and copies of the site plan and documents have been forwarded to the association. They have also met with the Board of Directors and received approval.

Like the balance of the community unit plan, Kalkowski advised that this development will serve the 55 and older age group. The site plan takes this into consideration. The developer has worked through all of the issues with staff, except the issue with respect to sidewalks along the private roadways within the development. The plan shows sidewalks on only one side of the private roadways and the staff is requesting that the sidewalks be shown on both sides.

**2. Brian Carstens** reviewed the existing sidewalks and the proposed sidewalks on the map. They are proposing sidewalks on the east side of No. 26<sup>th</sup> Place, north side of Farmstead Road and this development's side of Enterprise Drive.

Kalkowski pointed out that in addition to the sidewalks on one side of private roadways, they are providing additional sidewalks internally to make the necessary connections.

Kalkowski submitted that sidewalks on one side of the private roadways is consistent with what has been done in the remainder of the community unit plan and similar to other patio home developments across the city. There is a list of these developments in the City where this has taken place. On all 9 properties dealing with the townhome or patio home concept, sidewalks were either totally waived or waived on one side of the private roadways. The applicant believes that the sidewalks shown, along with the connections to the recreational area within the development,



will serve the elderly residents who will be purchasing these homes. The waiver helps keep the homes more affordable and reduces maintenance costs. This waiver has been granted in the past.

Steward wondered what the cost savings would be per unit. Kalkowski did not know what the developer's plans are for the cost of the townhomes. Reynolds offered that sidewalks are 10-12 dollars per lineal foot.

Carlson asked about the fence along No. 27<sup>th</sup> Street. Carstens explained that it will be a 6' high fence that will be staggered with street trees so that it is not one solid wall driving down the street.

Carlson noted the letter in opposition from a resident in the area and asked about the communication with the neighborhood. Kalkowski indicated that the representatives of Southview have met extensively with the Autumn Wood Homeowners Association and the Board of Directors and they do support the proposal.

### Opposition

**1. Don Eisele**, 5656 Enterprise Drive, agreed that Southview, Inc. has been up front with the Board of Autumn Wood, but there are some concerns. This project is in an area of an adult community of 55+ and he represents the Board, himself and several residents. We believe for the most part this is a good plan for the area; however, there were some things mentioned today that he was not aware of. He did not know about the fence; however, he would not be opposed. One of the big concerns is the sidewalk. There are a lot of people that do a lot of walking in the neighborhood. We have in the past been forced to add sidewalks on sides of the streets where there were no sidewalks because the people did not want to cross Enterprise Drive or some of the other streets. Autumn Wood is not opposed to the waivers, except the sidewalk and the waiver of the setback on Enterprise. The homes to the north of this plat are set back 25' or more. The requested 20' setback will mean that the homes will stick out 5 more feet than any of the homes to the north. Eisele requested that the waiver of sidewalks be denied and that the setback adjustment on Enterprise Drive be denied. Otherwise, the Autumn Wood Homeowners Association is in favor of the proposal.

### Staff questions

Schwinn asked for clarification of the right-of-way on Enterprise. Dennis Bartels of Public Works stated that it is a standard 60' residential street. Enterprise is a public platted road. The interior roads in the subdivision are private. There is not really a right-of-way on the private roads. There are easements over the roads with varying pavement widths based on how many units they are serving.

Reynolds added that there is a 35' public access easement over Farmstead Road. The pavement itself is 26' wide. There is a 30' public access easement on No. 26<sup>th</sup> Place with 21' wide pavement to the south and north of Farmstead.

Carlson asked for further discussion about the setback on Enterprise. Reynolds advised that the requested setback is reduced to 20'. This is zoned R-2 Residential, which has a 25' front yard setback requirement. In looking at the building placements, Carlson observed that moving them

back 5' might be problematic. Reynolds agreed that it would create some problems if they were going to have the same number and type of units and the same layout.

**Don Eisele** requested to make further comments. He was not aware that those were going to be private roads. The Autumn Wood Homeowners Association dues pay for snow removal and that is going to undoubtedly raise the dues because of the amount of square footage those roads take up. He does not know why they should be private roads. Last year the Association paid over \$40,000 just for snow removal, which forced them to raise dues this last fall. Enterprise Drive is a bus route so that is another concern if houses are too close to the street.

Eisele suggested he be given the opportunity to go back to the board to see if they would agree to the waiver of the sidewalks because of the cost involved in snow removal.

Given the comments of Eisele, Kalkowski requested a two-week deferral to work with the neighborhood and clear up any confusion.

For future reference, Steward stated that he will not support a proposal for an age 55+ community that does not have sidewalks on both sides of the street. He thinks it is unconscionable. Irrespective of the precedents, he just believes that people who are temporarily able and some who are disabled need the benefit of mobility without having to be concerned about safety.

Newman agreed.

Steward moved to defer for two weeks, with continued public hearing and administrative action scheduled for January 23, 2002, seconded by Hunter and carried 9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes'.

#### **CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 23, 2002

Members present: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn; Duvall and Hunter absent.

#### **Proponents**

**1. DaNay Kalkowski** appeared on behalf of **Southview, Inc.** The applicant had requested this deferral in order to talk to the neighbors. After listening to their concerns, the developer has re-evaluated its position with respect to the sidewalks and is now revising the plan to show sidewalks on both sides of the private roadways and public streets within the development. The developer met with the Autumn Wood Homeowners Association and showed the revised site plan with the sidewalks on both sides of the street and pointed out the location of the sidewalks, private roadways, and the fence along 27<sup>th</sup> Street. The neighbors were happy to see the sidewalks; however, the Association did not want to be responsible for maintenance of the fence along 27<sup>th</sup> Street. This issue will be addressed in the covenants and with a note on the plan such that the lot owners will be responsible for maintenance of the fence. The Association was also concerned

about cars driving south on No. 26<sup>th</sup> Place where the headlights may cause some disturbance to the units south of this property. In response to this concern, the developer is proposing a fence along that south end to avoid any disturbance to those neighbors, which fence will also be maintained by the lot owners.

Kalkowski submitted a new motion to amend the conditions of approval on the preliminary plat accordingly.

**2. Brian Carstens** reviewed the proposed sidewalk plan on the map. A sidewalk has been added on the south side of Blaine Court; both sides of Farmstead Road 4' away from the curb; both sides of North 26<sup>th</sup> Place; and a loop up into the existing outlot, connecting back over to Blaine Court.

Kalkowski believes that the staff is in agreement with the proposed amendments.

**3. Don Eisele**, 5656 Enterprise Drive, testified on behalf of the Autumn Wood Homeowners Association in support, thanking the Commission for allowing the two-week deferral to address their concerns. He thanked the applicant for their cooperation to resolve all the concerns. The additional sidewalks are very acceptable to the neighborhood. The fence has been taken care of. Another concern was the possibility of large construction traffic going down Blaine Court, which is a private street. The applicant has addressed this concern by talking to the contractor and asking them not to use it and to install a sign that no large trucks are allowed. The Association agrees to the 6' fence on the south side to avoid disruption from car lights. Since these concerns have been addressed to their satisfaction, the Autumn Wood Homeowners Association is in support with the changes that have been proposed.

There was no testimony in opposition.

Staff concurred with the proposed amendments.

Public hearing was closed.

**SPECIAL PERMIT NO. 692L**  
**AN AMENDMENT TO THE TABITHA NEW COMMUNITY C.U.P.**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 23, 2002

Carlson moved to approve the staff recommendation of conditional approval, seconded by Newman and carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.

**PRELIMINARY PLAT NO. 01016**  
**TABITHA NEW COMMUNITY 3<sup>RD</sup> ADDITION.**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 23, 2002

Carlson moved approval of the staff recommendation of conditional approval, with the amendments as proposed by the applicant, seconded by Bills and carried 7-0: Steward, Newman, Taylor, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall and Hunter absent.



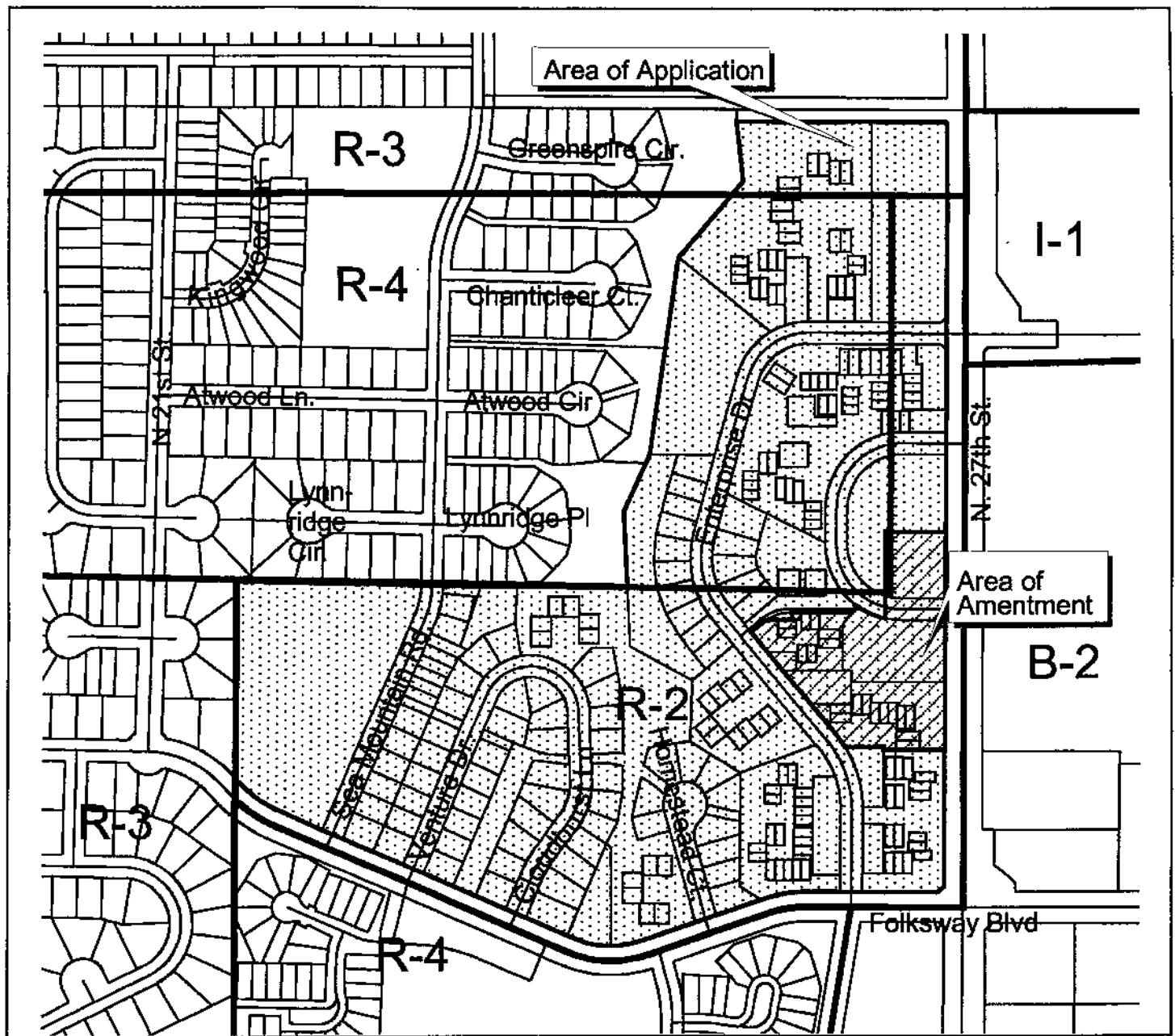
**Preliminary Plat #01016**  
**Special Permit #692L**  
**N. 27th & Enterprise Dr.**



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

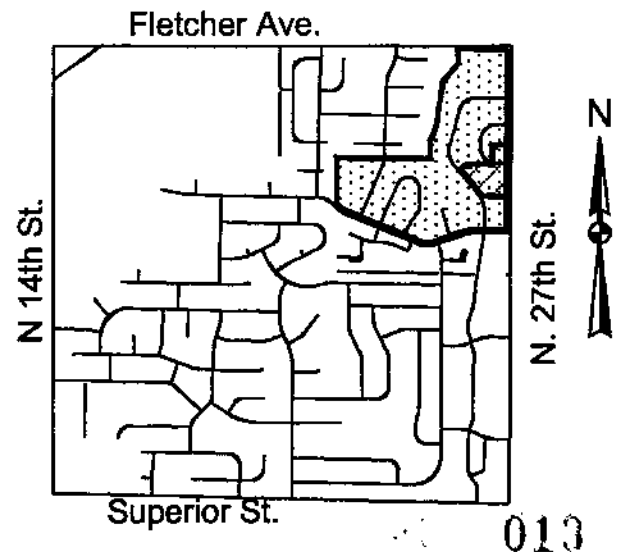
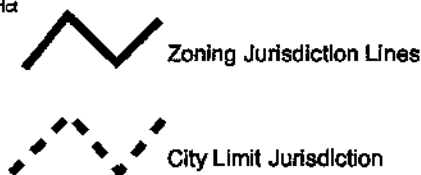


**Preliminary Plat #01016  
Special Permit #692L  
N. 27th & Enterprise Dr.**

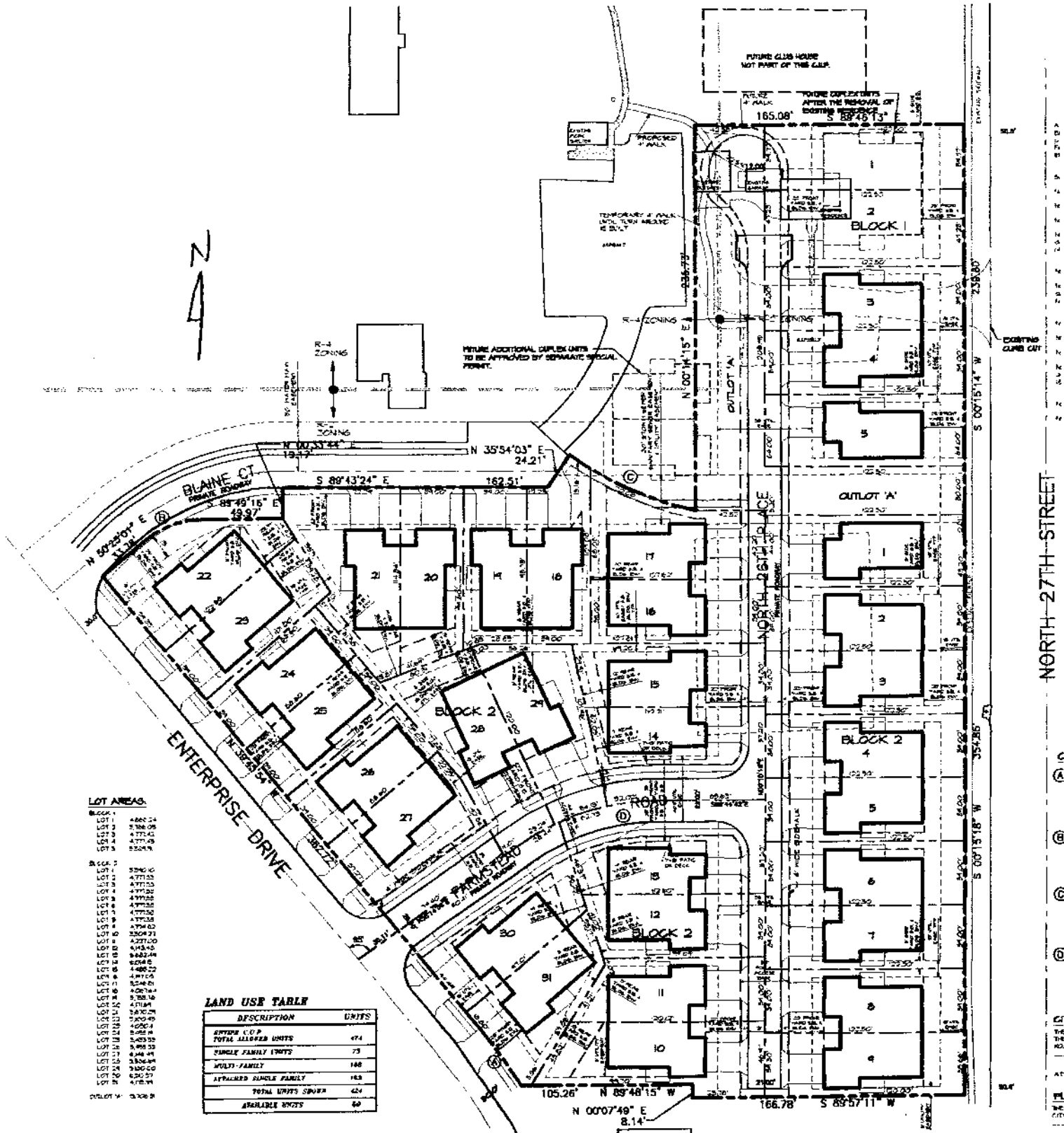
**Zoning:**

|            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
Sec. 01 T10N R6E



Revised 2-4-02



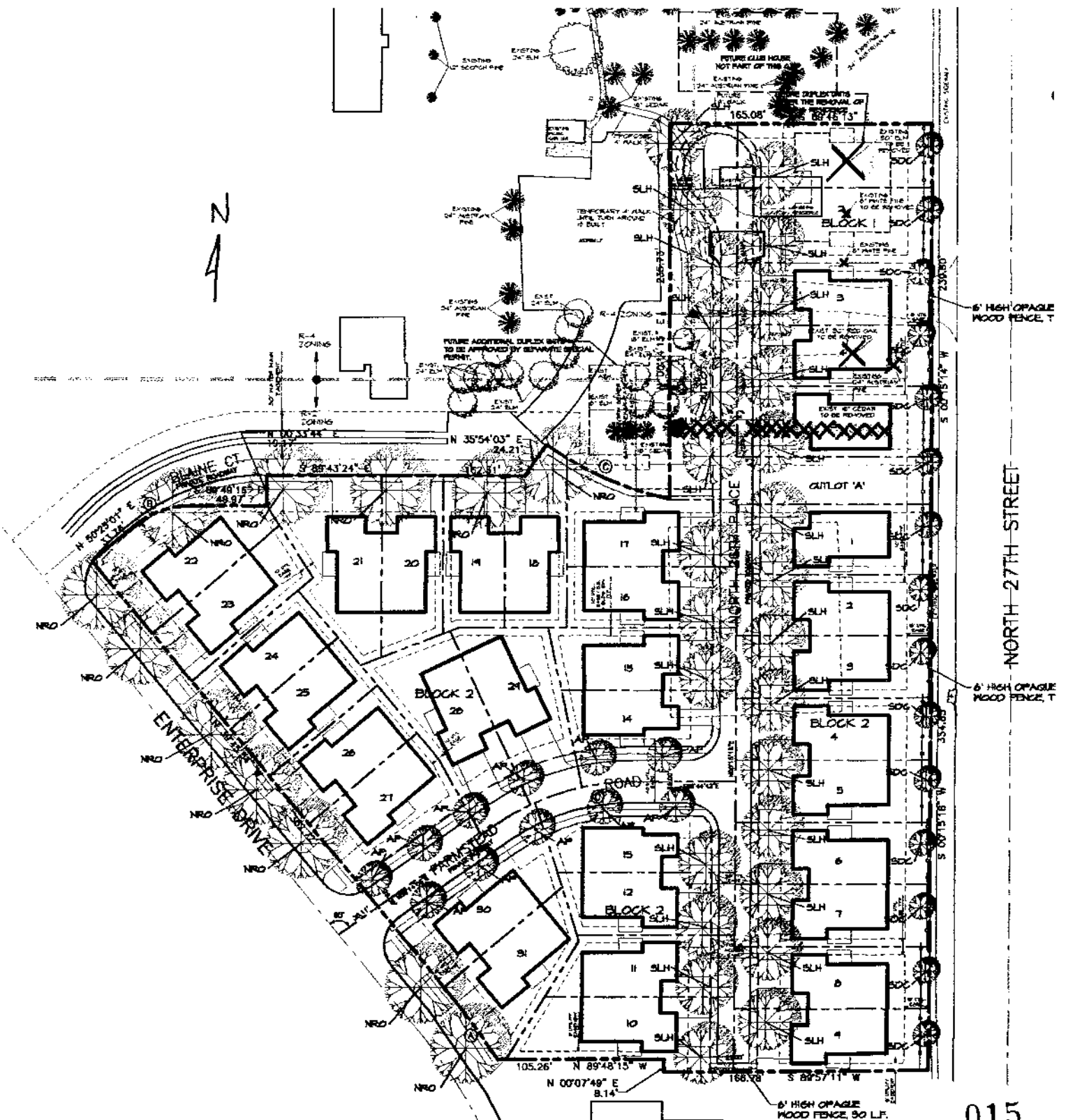
**LOT AREAS**

|         |          |
|---------|----------|
| Block 1 | 4,882.24 |
| Lot 1   | 5,788.08 |
| Lot 2   | 4,772.42 |
| Lot 3   | 4,772.42 |
| Lot 4   | 4,772.42 |
| Lot 5   | 5,504.76 |
| Block 2 | 5,240.40 |
| Lot 1   | 4,772.42 |
| Lot 2   | 4,772.42 |
| Lot 3   | 4,772.42 |
| Lot 4   | 4,772.42 |
| Lot 5   | 4,772.42 |
| Lot 6   | 4,772.42 |
| Lot 7   | 4,772.42 |
| Lot 8   | 4,772.42 |
| Lot 9   | 4,772.42 |
| Lot 10  | 4,772.42 |
| Lot 11  | 4,772.42 |
| Lot 12  | 4,772.42 |
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| Lot 58  | 4,772.42 |
| Lot 59  | 4,772.42 |
| Lot 60  | 4,772.42 |

**LAND USE TABLE**

| DESCRIPTION            | UNITS |
|------------------------|-------|
| ANYTYPE C.O.P.         |       |
| TOTAL ALLOWED UNITS    | 474   |
| SINGLE FAMILY UNITS    | 75    |
| MULTI-FAMILY           | 188   |
| APPROXIM SINGLE FAMILY | 163   |
| TOTAL UNITS SHOWN      | 424   |
| AVAILABLE UNITS        | 50    |

Revised 2-4-02



## REQUESTED WAIVERS

1. FRONT YARD SETBACK ON THE WEST SIDE OF NORTH 26TH STREET FROM 25 FEET TO 22 FEET.
2. FRONT YARD SETBACK ON THE EAST SIDE OF ENTERPRISE DRIVE FROM 25 FEET TO 20 FEET.
3. FRONT YARD SETBACK ON THE NORTH SIDE OF FARMSTEAD ROAD ON LOT 4 BLOCK 3 FROM 25 FEET TO 14 FEET.
4. FRONT YARD SETBACK ON THE SOUTH SIDE OF FARMSTEAD ROAD FROM 25 FEET TO 5 FEET.
5. FRONT YARD SETBACK ON THE NORTH PROPERTY LINE OF LOT 12, BLOCK 3 FROM 25 FEET TO 5 FEET.
6. FRONT YARD SETBACK ON THE SOUTH SIDE OF BLAINE COURT ON LOTS 13 THROUGH 16, BLOCK 3 FROM 25 FEET TO 22 FEET.
7. REAR YARD SETBACK ON LOT 1 & 2, BLOCK 3 FROM 18.62 FEET TO 10 FEET.
8. REAR YARD SETBACK ON LOT 3, BLOCK 3 FROM 19.52 FEET TO 10 FEET.
9. REAR YARD SETBACK ON LOT 4, BLOCK 3 FROM 17.68 FEET TO 5 FEET.
10. REAR YARD SETBACK ON LOT 5, BLOCK 3 FROM 20.24 FEET TO 7 FEET.
11. REAR YARD SETBACK ON LOT 6, BLOCK 3 FROM 23.01 FEET TO 20 FEET.
12. REAR YARD SETBACK ON LOTS 7, 8, 9 & 10, BLOCK 3 FROM 17.20 FEET TO 7 FEET.
13. REAR YARD SETBACK ON LOT 13, BLOCK 3 FROM 19.28 FEET TO 7 FEET.
14. REAR YARD SETBACK ON LOT 14, BLOCK 3 FROM 21.70 FEET TO 20 FEET.
15. REAR YARD SETBACK ON LOTS 15 & 16, BLOCK 3 FROM 19.15 FEET TO 11 FEET.
16. REAR YARD SETBACK ON LOT 1, BLOCK 2 FROM 20.62 FEET TO 14 FEET.
17. REAR YARD SETBACK ON LOT 2, BLOCK 2 FROM 18.08 FEET TO 5 FEET.
18. REAR YARD SETBACK ON LOT 3, BLOCK 2 FROM 19.05 FEET TO 5 FEET.
19. REAR YARD SETBACK ON LOT 5, BLOCK 2 FROM 18.73 FEET TO 5 FEET.
20. REAR YARD SETBACK ON LOT 6, BLOCK 2 FROM 20.45 FEET TO 14 FEET.
21. SIDE YARD SETBACKS FROM 10 FEET TO 5 FEET ON ALL SINGLE FAMILY AND SINGLE FAMILY ATTACHED UNITS.
22. NO SIDEWALKS ALONG THE WEST SIDE OF NORTH 26TH STREET, SOUTH SIDE OF FARMSTEAD ROAD AND THE SOUTH SIDE OF BLAINE COURT.
23. THE TURN-AROUND RADIUS LOCATED ON THE NORTH END OF NORTH 26TH STREET FROM 30 FEET TO 22.5 FEET.

0 OR DECK  
OF 3' ABOVE

DATE PREPARED:  
9/25/01

016



LEGAL DESCRIPTION: (this amendment to C.U.P.)

A tract of land composed of Lots 1 - 8, Block 8; Lots 17 - 27, Block 9; Lot 1, Block 10; Lot 1, Block 11; Outlots 'A', 'C' and 'D'; and a portion of the remaining portion of Outlot 'A', Tabitha New Community Addition, located in the NE 1/4 of Section 1, T. 10 N., R. 6 E., of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, described as follows:

Beginning at the northeast corner of said Lot 1, Block 11 and extending thence South 00 degrees, 15 minutes, 14 seconds West, a distance of 239.80 feet;  
Thence South 00 degrees, 15 minutes, 18 seconds West, a distance 354.85 feet;

Thence South 89 degrees, 57 minutes, 11 seconds West, a distance of 166.78 feet;

Thence North 00 degrees, 07 minutes, 49 seconds East, a distance of 8.14 feet;

Thence North 89 degrees, 48 minutes, 15 seconds West, a distance of 105.26 feet to a point on a circular curve to the left having a central angle of 7 degrees, 44 minutes, 59 seconds, a radius of 318.49 feet and whose chord (43.05 feet) bears North 35 degrees, 53 minutes, 24 seconds West;

Thence along said curve 43.05 feet;

Thence North 39 degrees, 45 minutes, 54 seconds West, a distance of 362.72 feet;

Thence North 50 degrees, 25 minutes, 01 seconds East, a distance of 33.78 feet to a point on a circular curve to the right having a central angle of 39 degrees 54 minutes 32 seconds, a radius of 55.00 feet and whose chord (37.54 feet) bears North 70 degrees, 11 minutes, 01 seconds East;

Thence along said curve 38.31 feet;

Thence South 89 degrees, 49 minutes, 16 seconds East, a distance of 49.97 feet;

Thence North 00 degrees, 33 minutes, 44 seconds East, a distance of 19.17 feet;

Thence South 89 degrees, 43 minutes, 24 seconds East, a distance of 162.51 feet;

Thence North 35 degrees, 54 minutes, 03 seconds East, a distance of 24.21 feet to a point on a circular curve to the right having a central angle of 25 degrees, 20 minutes, 46 seconds, a radius of 210.00 feet and whose chord (84.98 feet) bears South 66 degrees, 00 minutes, 19 seconds East;

Thence along said curve 85.57 feet;

Thence North 00 degrees, 14 minutes, 15 seconds East, a distance of 235.73 feet;

Thence South 89 degrees, 46 minutes, 13 seconds East, a distance of 165.08 feet to the point of beginning containing 4.32 acres more or less.

## Legal Description Of Tabitha C.U.P.

Part of the north one-half of the Northeast Quarter and a part of the Southeast Quarter of the Northeast Quarter, all in Section 1, Township 10 North, Range 6 East of the 6th Principal Meridian, in Lancaster County, Nebraska, Of which includes the following subdivisions. Tabitha New Community Addition, 1st Addition and 2nd Addition, A replat of blocks 5 and 7, Tabitha New Community Addition, and Tabitha New Community 1st Addition replat, Autumn Lakeview addition, Autumn Lakeview 1st and 2nd addition, Tabitha New Community 3rd addition, Merrill Addition, Merrill 1st Addition, Replat of Blk 2 Tabitha New Community Addition, the Vacated Williams Way, and the Vacated Farmstead Road, more particularly described as follows:

Beginning at a point 33.00 feet southerly from the north line of, and 33.00 feet westerly from the east line of the northeast quarter of said section 1, and assuming the east line of said northeast quarter to bear north 01 degrees 36 minutes 56 seconds west; thence south 88 degrees 21 minutes 11 seconds west, along a line 33.00 feet southerly from and parallel to the north line of said northeast quarter, a distance of 593.07 feet; thence south 08 degrees 23 minutes 49 seconds east, a distance of 161.77 feet; thence south 39 degrees 36 minutes 11 seconds west, a distance of 272.00 feet; thence south 06 degrees 21 minutes 11 seconds west, a distance of 165.00 feet; thence south 04 degrees 18 minutes 49 seconds east, a distance of 208.00 feet; thence south 88 degrees 23 minutes 05 seconds west, a distance of 386.24 feet; thence south 89 degrees 42 minutes 44 seconds west, a distance of 683.52 feet to the northwest corner of lot 1, block 2 of Tabitha New Community 2nd Addition; thence south 01 degrees 51 minutes 11 seconds east, along the west line of said lot 1, a distance of 643.53 feet; thence along the arc of a curve to the left, said curve having a radius of 440.00; an initial tangent bearing south 53 degrees 57 minutes 43 seconds east, and an internal angle of 14 degrees 39 minutes 12 seconds, an arc distance of 112.53 feet to a point of tangency; thence south 68 degrees 36 minutes 55 seconds east along said line of tangency, a distance of 866.24 feet to a point of curvature of a curve to the left, said curve having a radius of 341.56 feet and an interior angle of 42 degrees 00 minutes 00 seconds; thence along the arc of said curve, a distance of 250.37 feet to a point of tangency; thence north 69 degrees 23 minutes 02 seconds east, a distance of 344.24 feet to a point of curvature of a curve to the right, said curve having a radius of 318.55 feet and an interior angle of 19 degrees 00 minutes 00 seconds; thence along the arc of said curve, a distance of 105.63 feet to a point of tangency; thence north 88 degrees 23 minutes 04 seconds east, along said line of tangency, a distance of 387.00 feet to a point 33.00 feet westerly of the east line of the northeast quarter of said section 1; thence north 01 degrees 36 minutes 56 seconds west, along a line parallel to and 33.00 feet westerly from the east line of said northeast quarter, a distance of 2161.00 feet to the point of beginning, generally located at 27 the and Fletcher Avenue, a calculated area of 61.96 acres, more or less.

# M e m o r a n d u m

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**To:** Jason Reynolds, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *CB*

**Subject:** Revised Preliminary Plat # 01016 & Special Permit # 692 L  
Tabitha New Community

**Date:** December 19, 2001

**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the revised Preliminary Plat for Tabitha New Community and Special Permit # 692 L. Public Works has the following comments:

Reference Brian Carstens' letter to the Planning Department dated November 30, 2001.

- Item 6. Public Works has reviewed the drainage study and still has objections to the storm water detention being located within the street area on North 26th Place. The proposed 6" pipes in the curb line to drain the area under the sidewalk to the east does not meet design standards. The small diameter pipes will clog and become a maintenance problem. The depth of the water will be at 8" with the 2-year storm event and overflow with the 10-year. The detention area must be outside the street. It appears a detention cell can be built between 26th and 27th Streets at that location with a structure where the storm sewer pipe is now shown on the plan that possibly could meet design standards. The 15" storm sewer along North 27th Street needs to be outside the public right-of-way on private property.
- Item 7. The sanitary sewer on the same side of Enterprise Drive as the water main does not meet design standards. Public Works will support the waiver that will be required for the placement of the sewer line in the location as shown.
- Items 8 thru 14, 19 and 21 have been satisfactorily addressed.



INTER-DEPARTMENT COMMUNICATION

DATE December 11, 2001

TO Jason Reynolds, City Planning

FROM Sharon Theobald  
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS  
DN #55N-26E

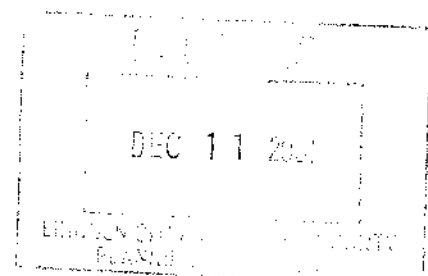
Attached is the Preliminary Plat and CUP for Tabitha New Community 3rd Addition.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

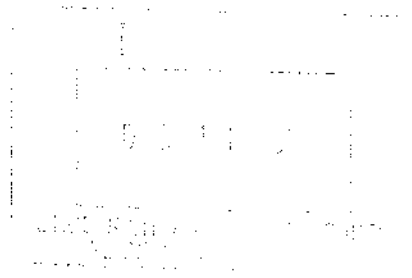
ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

OFFICEFORDEDEAS.Frm



020



# Memo

**To:** Becky Homer, Planning Department

**From:** Mark Canney, Parks & Recreation *MC*

**Date:** December 10, 2001

**Re:** Tabitha New Community 3<sup>rd</sup> Addition

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

## City of Lincoln, Nebraska

### IMPORTANT

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## Plan Review Comments

Permit # **DRF01109**

Address

Job Description: **TABITHA NEW COMMUNITY 3RD**

Location: **TABITHA NEW COMMUNITY**

Special Permit: **N**

Preliminary Plat: **Y 01016**

Use Permit: **N**

CUP/PUD: **Y 692L**

Requested By: **JASON REYNOLDS**

Status of Review: **Approved**

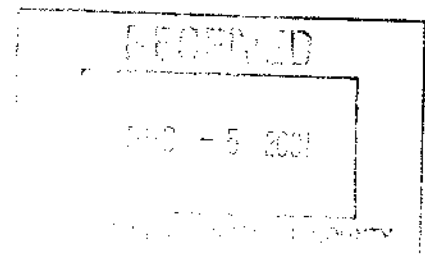
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE BOB FIEDLER**

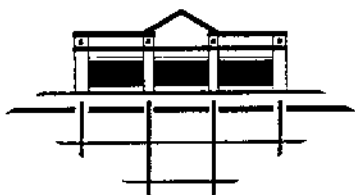
Comments:

### Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

022





**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 20, 2001

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY 3RD ADDITION  
SPECIAL PERMIT #926L AND PRELIMINARY PLAT #01016

Dear Kathleen,

This letter is in response to a phone conversation I had with Jason Reynolds this morning.

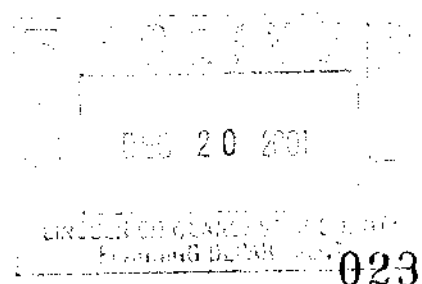
We are requesting a waiver to allow sanitary sewer and water to be located on the same side of Enterprise Drive. Public Works is aware of this waiver and do not have any objections as per the information we received from Jason.

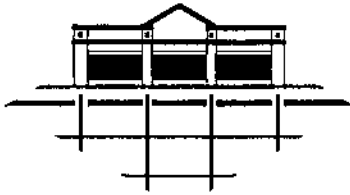
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Southview Inc.  
Seacrest and Kalkowski  
Lyle Loth





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 11, 2001

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY 3RD ADDITION  
SPECIAL PERMIT #926L AND PRELIMINARY PLAT #01016

Dear Kathleen,

This letter is in response to a phone conversation I had with Jason Reynolds this morning. The Special Permit as submitted is for elderly and retirement housing. I have confirmed this with Jerry Schleich this morning.

However, Jerry pointed out that the original covenants for the Tabitha New Community reference a minimum age of 55 years or older for the residents. He stated that Federal laws also reference the 55 year age. You might want to look into the differences, and possibly update our zoning ordinance to reflect Federal regulations.

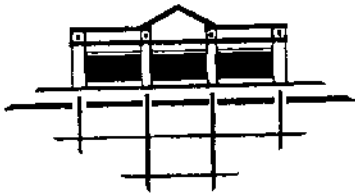
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Southview Inc.  
Seacrest and Kalkowski  
Lyle Loth





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 30, 2001

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: TABITHA NEW COMMUNITY THIRD ADDITION  
PRELIMINARY PLAT #01016 & COMMUNITY UNIT PLAN / SPECIAL PERMIT #692L

Dear Kathleen,

On behalf of the owner, Southview, Inc., we are re-submitting the following revisions as requested.

1. An Administrative Subdivision Permit has been previously approved.
2. A note has been added to the grading plan indicating that the contours are NAVD 1988.
3. The existing trees have been shown and labeled.
4. The certificate for Planning Commission approval of the Preliminary Plat has been added.
5. The density calculations for the Community Unit Plan have been provided.
6. An additional copy of the drainage study has been submitted. The previous submittal included this study, however the study did not get distributed to Public Works.
7. The sanitary sewer has been modified, as per conversations with Public Works; no waiver is required at this time.
8. A proposed water main has been shown on the north side of Blaine Court.
9. The water system has been modified to loop back to North 27th Street.
10. The lot depth of those lots adjacent to North 27th Street has been changed to 120 feet.
11. The sight distance at all intersections has been shown.
12. Note #10 has been added to relinquish access to North 27th Street.
13. Farmstead Road has been modified to 27 feet wide as per conversations with Public Works. Williamson Way has been removed from the development.
14. Williamson Way has been removed from the development.
15. The drawing has been revised to remove as many overlaps of elements as possible.

Page 2

16. The legal description has been modified to state all lots and outlots included.
17. North 26th Street has been renamed to North 26th Place.
18. A public access easement has recently been granted over Blaine Court.
19. The sidewalks shown do provide adequate pedestrian access to the units. We have shown a sidewalk in North 26th Place that ties to the existing sidewalk system in the common area.
20. We are in agreement with this statement.
21. The public access easement has been widened to include the sidewalks.
22. Sugar Tyme Crabapple has been substituted for Snowdrift Crabapple.
23. The Bradford Pear is no longer needed since Williamson Way has been removed from the development.
24. Waiver #5 has been modified.
25. The reference to duplexes has been changed to single family attached units.
26. The utility easements have been shown as required by L.E.S.
27. The utility plan was not sent to Bob Fiedler during the original review.

Please contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc. Southview, Inc.  
Kent Scacrest / DeNay Kalkowski

ENCLOSURES:

20 sets of sheets 1 through 4 and C1-1SP originally created by Davis Design  
8-1/2" x 11" reductions of the plans  
3 copies of the drainage study

IN OPPOSITION TO WAIVER OF  
TURN-AROUND RADIUS, SIDEWALKS,  
and SETBACKS

ITEM NO. 3.6a&b: SPECIAL PERMIT NO. 692L  
PREL. PLAT 01016  
(p.197 - Public Hearing - 1/09/ 02)

January 3, 2002

Jean Walker, Administrative Officer  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Ms Walker:

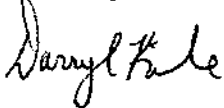
This letter is in response to your letter dated December 28, 2001 that informed property owners of a public hearing to be held on January 9, 2002. It concerns PRELIMINARY PLAT NO. 01016 and SPECIAL PERMIT NO. 692L, North 27<sup>th</sup> Street & Enterprise Drive.

I will be unable to attend the public hearing but wanted to go on record as opposing the request to waive turn around radius; sidewalks; and side, front and rear yard setbacks. I would not oppose allowing sanitary sewer and water main on the same side of Enterprise Drive.

Autumn Wood was established many years ago as a retirement community and many covenants have to be observed by residents. I strongly feel that these covenants need to be followed today and in the future. When we begin making exceptions we undermine the original intent. Without uniform setbacks, sidewalks and places to turn around we see a hodgepodge, beehive effect that does nothing to enhance the quality of life in a neighborhood.

It seems to me as if these waivers are being asked for to enable someone to squeeze a few more units into a space and that does nothing except give the developer an opportunity to make more money. If this area is to be developed, it should be developed with the same criteria and fairness as current Autumn Wood owners and developers followed.

Sincerely,



Darryl Kile  
5600 Sea Mountain Rd  
Lincoln, NE 68521-1073

